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Remapping Global Climate Governance

Fragmentation beyond the public/private divide

Philipp Pattberg and Johannes Strippel

Global Governance Working Paper

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The Global Governance Project is a joint research programme of eleven European research institutions. It seeks to advance understanding of the new actors, institutions and mechanisms of global governance, especially in the field of sustainable development.

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Abstract

The aim of this paper is to provide a first step towards a better theoretical and empirical knowledge of the emerging arena of transnational climate governance. The need for such a re-conceptualization emerges from the increasing relevance of non-state and transnational approaches towards climate change mitigation in a time where the inter-governmental negotiation process experiences substantial stalemate and the classical international arena becomes increasingly fragmented. Based on a brief discussion of the increasing trend towards fragmentation of the global climate governance arena (section 1), we conclude that a remapping of climate governance is necessary and needs to take into account different spheres of authority beyond the public and international. Hence, we provide a brief analysis (section 2) of how the public/private divide has been conceptualized in the discipline of political science and International Relations (IR). Subsequently, we analyze the emerging transnational climate governance arena (section 3). Analytically, we distinguish between different manifestations of transnational climate governance on a continuum ranging from delegated and shared public-private policies to fully non-state and private responses to the climate problem. Consequently we discuss the advantages and disadvantages of each approach and conclude with directions for further research.

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Foreword

This working paper was written as part of the Global Governance Project, a joint research programme of eleven European research institutions that seeks to advance understanding of the new actors, institutions and mechanisms of global governance. While we address the phenomenon of global governance in general, most research projects focus on global environmental change and governance for sustainable development. The Project is co-ordinated by the Institute for Environmental Studies (IVM) of the Vrije Universiteit Amsterdam and includes associate faculty members and research fellows from eleven European institutions: Science Po Bordeaux, Bremen University, Freie Universität Berlin (Environmental Policy Research Centre), The Fridtjof Nansen Institute Oslo, London School of Economics and Political Science, Oldenburg University, Potsdam Institute for Climate Impact Research, Vrije Universiteit Amsterdam, Vrije Universiteit Brussel (Institute for European Studies) and Wageningen University.

Analytically, we define global governance by three criteria, which also shape the research groups within the Project. First, we see global governance as characterised by the increasing participation of actors other than states, ranging from private actors such as multinational corporations and (networks of) scientists and environmentalists to public non-state actors such as intergovernmental organisations ('multiactor governance'). These new actors of global governance are the focus of our research group MANUS—Managers of Global Change.

Second, we see global governance as marked by new mechanisms of organisation such as public-private and private-private rule-making and implementation partnerships, alongside the traditional system of legal treaties negotiated by states. This is the focus of our research group MECGLO—New Mechanisms of Global Governance.

Third, we see global governance as characterised by different layers and clusters of rule-making and rule-implementation, both vertically between supranational, international, national and subnational layers of authority ('multilevel governance') and horizontally between different parallel rule-making systems. This stands at the centre of our research group MOSAIC—'Multiple Options, Solutions and Approaches: Institutional Interplay and Conflict'.

Comments on this working paper, as well as on the other activities of the Global Governance Project, are highly welcome. We believe that understanding global governance is only feasible through joint effort of colleagues from various backgrounds and from all regions of the world. We look forward to your response.

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1 Introduction

Scientific evidence indicates with increasing certainty that current changes in the earth's climate system are happening as a result of human agency, and that they are taking place at an accelerated pace (IPCC 2007; Stern 2007). While the problem of anthropogenic climate change is gaining renewed attention by the media and the wider public¹ – in particular due to a number of catastrophic or unusual weather events – the institutional architecture in place seems to be rather incapable of effectively addressing climate change.

A major obstacle that has received relatively little attention in scientific debates is the increasing fragmentation of global climate governance.² Fragmentation refers to at least five empirical observations. First, climate governance is marked by a *mosaic of policies*, such as the emissions trading system of the European Union (EU), the target-and-timetables approach of the Kyoto Protocol, the voluntary Asia-Pacific Partnership on Clean Development and Climate (AP6), and independent initiatives taken by U.S. states.

Second, climate governance is marked by a *mosaic of actors*, including governments, civil society, science and business, and their interlinked political activities in this field. This actor fragmentation extends to governments, where we can distinguish at least three different groups: industrialized countries that have ratified the Kyoto Protocol and committed to limit their greenhouse gas emissions by an average of five percent by 2012; industrialized countries that reject Kyoto, but intend to develop alternative regulatory approaches and architectures of international co-operation; and developing countries that support Kyoto in principle, and have ratified it, but do not need to limit or reduce their emissions within the first commitment period.

Third, and as a consequence, climate governance is marked by a *mosaic of policies* and principles on how the overall architecture of climate governance should be structured and how progress at the negotiation table could be achieved: While some nations hope to maintain a universal approach towards climate governance, others seemingly work towards new forms of a more fragmented and flexible order.

Fourth, and related to the above, the emerging carbon marketplace is now increasingly fragmented but with many interconnections. An important distinction can be made between compliance (or mandatory) markets and non-compliance (or voluntary) markets. Further, there are two major types of transactions of emission reduction credits taking place: allowance-based transactions and project-based transactions. The former refers to the trading of issued allowances created and allocated by regulators under a cap-and-trade regime and in the later are emission credits the result of a specific carbon offset project.

¹ A 2006 poll in the US for example shows that nearly three of every four – 74% – are more convinced today that global warming is a reality than they were two years ago. See, <http://www.zogby.com/news/ReadNews.dbm?ID=1161>.

² For a detailed analysis of the advantages and disadvantages of fragmentation in global climate governance, see Biermann, Pattberg, van Asselt, Zelli 2006.

Finally, the future of global climate governance is currently negotiated in different and often non-synchronized discussion fora. While, for example, the future of the current climate regime and particular its Kyoto Protocol is negotiated in the open-ended ad hoc working group (AWG), established at the first COP/MOP in 2005, the larger convention dialogue on “long-term cooperative action to address climate change” and the seminar of government experts’ (SOGE) current discussion on reducing deforestation in developing countries, other future strategies are discussed within the G8 Plus 5 process or the AP6.

In light of this growing complexity of global climate policy, we believe that an expansion of our analytical toolkit is both necessary and rewarding. We argue that the predominant perspective on global climate governance is biased and incomplete as it takes into account only the international arena of inter-state negotiations, public policies and those non-state actors that try to influence international agreements. However, current developments in global climate governance are signs of the gradual institutionalization of a transnational public sphere in world politics, where the establishment of norms and rules and their subsequent implementation are only to a limited extent the result of public agency in the formal sense, but often the outcome of agency beyond the state. Therefore, a more detailed look at the actors, mechanisms and systems of rules beyond the inter-state system is necessary to appraise all potential options for an effective and equitable future global climate governance architecture.

We proceed in two steps. First, in section 2, we provide a critical re-conceptualisation of the public/private distinction in International Relations. In section 3 we then attempt a remapping of global climate governance by focusing on agency and architecture beyond the state. Empirically, we offer an overview of public-private and private approaches towards global climate governance. Finally, we conclude with some lessons learned and potential steps ahead.

2 The public and the private divide

The distinction between the public and the private is a crucial ordering device in social life and it continues to shape much of the debates surrounding various forms of governance. The following sections provide a brief portrayal of how the public and private have been conceptualized in the political science literature and indicate how it might be rethought. We will specifically sketch how the discipline of International Relations has historically worked with a rather crude approach to the public/private divide that follows from its statist point of departure. However, there have been some significant reorientations in the literature that enable a less statist and more comprehensive remapping of global climate governance. While it is common to refer to a ‘divide’ or a ‘gap’ between the public and the private, such dichotomous thinking actually turns out to be, not necessarily wrong, but rather unhelpful when it comes to understanding how authority is being articulated and how governance is shaped through non-state actors in issue areas such as climate change.

2.1 *The public and the private in political theory*

In Political Theory the legacy of the *Polis* is pervasive. The *Polis* is the ancient Greek term for the city-state and refers to a rather small entity, independently governed, and composed of both rural and urban areas. There was only one city for each *Polis* and the members of the community, the citizens, identified themselves with common religion, language and costumes. The Greek word *Politeia* (government), derived from the term *Polis*, was used to describe the way city-states were ruled. It was Hanna Arendt, who with *The Human Condition* (1958), drew attention to the separation of Greek life into two realms: a public (the *Polis*) and a private (the household). Arendt, in a classic formulation, uses the *Polis* metaphorically and states that the *Polis*

“is not the city-state in its physical location; it is the organization of the people as it arises out of acting and speaking together, and its true space lies between people living together for this purpose, no matter where they happen to be” (Arendt 1958:198).

Beacroft underscores the centrality of Arendt’s thinking for our conceptualization of politics: the “Greek model of the *Polis* remains relevant to political theory as it highlights the centrality of the public realm for political life as a way of speaking, acting and living between human beings” (Beacroft 2007:42). For IR specifically, the equation of the public, the state and the territory has had fundamental implications for how we think of authority and governance. Authority, that is legitimate power, has been understood to exist only inside the *Polis* and, hence, outside the territory/state/public power has been considered ‘illegitimate’. It has therefore been difficult for IR to come to terms with non-state actors as a legitimate form of agency ‘beyond the state’ in world politics.

While political analysis and commentaries are accustomed to use the public (the state) and the private (the market) in a specific way, these concepts are more contested than usually acknowledged. In two useful essays, Bailey (2000, 2002) provides an historical overview of the public/private divide and shows that there is no essential ‘private’ or genuinely ‘public’. In ancient Greek civilization the public was the sphere of freedom and decision. Later on, Roman imperial and republican conceptualizations shifted the focus of the public from shared deliberation to absolute sovereignty. However, in any case, the private was merely residual and it was the public that was privileged as idea, concern and project. During the Middle Ages and the period of feudalism the public/private distinction faded. Kinship and networks of personal dependency made both the public and the private irrelevant categories. However, the public/private distinction made a comeback with the rise of modernity, civil society, and through ideas such as sovereignty and citizenship. In a comprehensive fashion, Bailey (2002: 19) argues that

“the rise of bourgeois civil society, the spread of market-based social relations and legal-rational capitalism, and the growth of political representation and political democracy in the West all marked the next stages for change in the meanings of the public and private”.

Over the years, the content and location of the private and the public has not been fixed. The private can refer to, inter alia, the family, the domestic, the personal, friendship, the self while the public can refer to the state, civil society, the market, and community. Hence, what is important here is that Bailey adopts an understanding of the public, not as that which is ‘the state’, but that which is ‘collective’. Collective actors derived from civil society, the market and various communities become effectively pub-

lic with a potential to govern people and issues. As we will see in a moment, this is an accord that harmonizes with recent writings on the public and private in world politics.

2.2 Public and private authority in world politics

Within the discipline of IR, by and large, the public has been equal to the state and the private has been equal to the non-state. The role of non-state actors was attracting scholarly interest in the early 1970s (e.g. Keohane and Nye 1972). The predominant focus of these studies was to account for the influence of non-state actors (mostly multinational corporations) on state behavior in various issue areas. Keohane and Nye have later developed this thinking into the theoretical model of “complex interdependence” (Keohane and Nye, 1977), which portrays a world where transnational activity affects states capacity to act, the distinction between “high” (security) and “low” (trade) politics is obsolete, and where military force is seen by and large as ineffective.

In the 1980s, institutionalist thinking had shifted towards a functional theory of regimes (Keohane 1984) that could account for patterns of international co-operation (or the lack thereof). This theory provided the opportunity for Realism and Liberalism to unite in a shared “rationalist” research program that was premised on the condition of anarchy in the international system (i.e. authority seen as divided and separated territorially) and oriented towards investigating the conditions for international co-operation. This perspective became also influential for the way research on global environmental politics came to be conceptualized and it still continues to shape and inspire research in the field.³

In a broad (critical) reflection on the regime approach to global environmental issues, Conca argues that “simply put, regimes are the vehicles of states. Because a codified international agreement lies at the heart of most processes of regime building, regimes internalize strong presumptions about state authority, the legitimacy of state actions, and the essential difference between governments and other collective agents” (Conca 2006: 21). Therefore, given that global climate governance is now increasingly fragmented, there is an urgent need to reconsider climate governance with regard to questions of authority.

Starting from a similar position, James Rosenau has emphasized the role of non-state actors and authority in world politics rather differently. Stressing that “governance without government” is present in many issue areas, Rosenau (1997) concluded that degrees of order are achieved through regime-building efforts and other rule-making activities without the presence a state or a formal intergovernmental institution. The emergence of such new authority structures led Rosenau to identify two (separate) political worlds, one “state-centric” consisting of “sovereignty-bound states” and the other “multi-centric” consisting of “sovereignty-free” actors. As a result, Rosenau tries to account for non-state actors as more generic “spheres of authority”. Consequently, Rosenau (1997: 39) understands these spheres of authority as the building blocks of a new ontology where states are treated as only one of many sources of authority.

³ For a recent example see Breitmeier et al. (2006)

In a similar vein, but with less focus on novelty and instead with a view on historic continuity, Ferguson and Mansbach (1996; 2004) have provided a comprehensive “remapping of global politics” in which authority is fragmented among polities with little hierarchical arrangement among them.

The shift in conceptualising authority in world politics is most pronounced in two recent edited books, *Private Authority in International Affairs* (Cutler et al. 1999) and *Private Authority in Global Governance* (Hall and Biersteker 2002). Hall and Biersteker contend that traditional approaches to international politics regard states not only as the principal actors, but also as the only legitimate actors. They argue that the equation of authority with government has for too long constrained an analysis of other forms of authority. But, in fact, the public does not need to equal the governmental:

“Being public does not, however, imply that a state or public institution must be involved or wielding authority, even though they might participate in recognizing it in certain situations. It does, however, imply that the social recognition of authority should be publicly expressed. This opens the possibility for the emergence of private, non-state based, or non-state legitimated authority” (Hall & Biersteker 2002b: 5).

Hence, the distinction between the public and the private is neither a helpful guide to where to find, and not to find, authority, nor does it allow to make any claims about where authority should, or should not, be located. It seems now rather obvious that increasingly norms, rules, roles and responsibilities are becoming institutionalized beyond the confines of the state and the international society they construct. As Ruggie (2004) has argued,

“the arena in which ‘the authoritative allocation of values in societies’ now takes place increasingly reaches beyond the confines of national boundaries, and a small, but growing fraction of norms and rules governing relations among social actors of all types (states, international agencies, firms, and of civil society) are based in and pursued through transnational channels and processes.”

Consequently, we define this emerging space of interactions, the related norms and rules and the resulting roles and responsibilities of actors within the field of climate change as a *transnational arena of global climate governance*. The next section will explore this ‘analytical space’ in more detail.

3 Remapping global climate governance: agency and architecture

In contrast to the majority of scholars and policy makers who view global climate governance as predominantly determined by the authority of states, we argue for a conceptualization that is comprehensive enough to cover various ways in which authority is being articulated in relation to the climate issue. One helpful approach is to distinguish between the actor-constellation and the mode of steering involved. Börzel and Risse (2005) propose a continuum of public, public-private and private actors on the constellation-axis and a continuum of hierarchical and non-hierarchical steering modes on the governance-axis. In this respect, we understand approaches of global climate governance to be situated along a continuum ranging from international and

public, to public-private or private interventions. Some are related to international agreements and norms and thus fall under a shadow of hierarchy, while others are situated in the realm of non-hierarchical steering without any overarching authority. For the purpose of this paper, we focus on those approaches, policies and institutions that are situated beyond the purely inter-national policy arena and thus constitute the emerging, and in many instances contested, arena of transnational climate governance (shaded area).

Table 1: Sites of Global Climate Governance: International and Transnational

| Actors involved | Public | Public-Private | Private |
|---------------------|--|--|---|
| Steering modes | | | |
| Hierarchical | National policy; supra-national organization (EU climate policy) | | |
| Non-hierarchical I | International society; bargaining (UNFCCC) | Delegation, corporatism, public-private partnerships (CDM, WSSD) | Private regimes; NGO-business institutions (CSR, off-setting); individual |
| Non-hierarchical II | International society; arguing | | |

Adapted from Börzel and Risse 2005.

In order to analyze this emerging arena, we draw on two concepts that help to assess the contribution of public-private and private climate policies to effectively addressing global climate change. First, the concept of *agency beyond the state* that focuses on the actor-dimension; and second, the concept of *architecture* that highlights the generic governance principles, the institutional design and the institutional inter-linkages within and across issue areas.

The concept of *agency beyond the state* is useful in analyzing the contributions – positive as well as negative – of different actors to the problem of anthropogenic climate change.⁴ In our reading, agency, understood as the power of individual and collective actors to change the course of events or the outcome of processes, is increasingly located in sites beyond the state and its international organizations. A number of actors deliberately form social institutions to address the problem of climate change without being forced, persuaded or funded by states and other public agencies. To limit our analysis, we exclude agency that is unconscious about itself (e.g. the unintended consequences of every-day activities), but include individual agency, as in the case of individual carbon allowances (cf. below).

According to Biermann (2007), *architecture* can be defined as “the interlocking web of principles, institutions and practices that shape decisions by stakeholders at all levels.” Most research has hitherto been focused on single institutions. As a result, we today possess a fairly good understanding of the determinants of institutional effectiveness (cf. Miles et al. 2001; Victor et al. 1998). In comparison, however, the effectiveness of the overall institutional structure remains much less understood.

With regards to approaches that fall within our concept of transnational global climate governance, an analytical distinction can be made between those that are still connected to and/or embedded in the international climate governance arena and

⁴ For a further elaboration of the concept of agency beyond the state, see Biermann (2007).

those that predominantly emanate from and are directed to private actors. The next sections will provide an empirical remapping of the current global climate governance arena.

3.1 Public-private approaches towards global climate governance

Public-private partnerships, that is cooperative arrangements between different societal actors, including governments, international agencies, corporations, research institutions and civil society organizations, have become a cornerstone of the current global environmental order, both in discursive and material terms. At the UN level, partnerships have been endorsed by the Secretary-General Kofi Anan through the establishment of the Global Compact (GC), a voluntary partnership between corporations and the United Nations, as well as through the so-called “type-2” agreement concluded by governments at the World Summit for Sustainable Development in Johannesburg in 2002 that institutionalizes public-private implementation partnerships in issues areas ranging from biodiversity to energy. Within the international climate regime, public-private partnerships are institutionalized in the Clean Development Mechanism (CDM) of the Kyoto Protocol. The following section discusses CDM and type-2 partnerships as examples of public-private approaches towards global climate governance.

THE CLEAN DEVELOPMENT MECHANISM

The Clean Development Mechanism entered late in negotiations in Kyoto 1997 as part of three “flexible mechanisms” that were supposed to make an agreement on a protocol to the climate convention possible. As it turned out, the U.S. did not ratify the protocol but the CDM has nevertheless been established as an important mode and node of climate governance. To be blunt, the CDM works “by paying developing countries to adopt lower-polluting technologies than they otherwise would” (Wara 2007: 595). Its relative success or failure depends on where you look. The CDM is an international policy mechanism with the objectives, inter alia, to generate cost-effective climate mitigation for developed countries, to facilitate technology transfer and increase the flow of capital from rich to poor countries, and to provide sustainable development in the South.

As a market, CDM seems to be (after a slow start) able to provide significant volumes of emission reductions for the carbon market. Many estimate that the CDM may have generated 1000 millions of Certified Emission Reductions (CERs) by 2012. That amount is equivalent to about 15 to 25 percent of the expected market demand for Kyoto-compliant emission reduction credits. Given a price of 5-10 USD per CER the CDM delivers comparatively cost effective reductions, but research suggests that it does neither deliver sustainable development (Rowlands 2001; Cosbey et al. 2006) nor does it contribute to investments in new infrastructure and technology (Ellis et al. 2007; Pearson 2007). This point is underlined in a large literature review of CDM and sustainable development: “the initial assumption of the synergy and win-win relationship between the dual aims of the CDM does not hold for many projects studied in the literature” (Olsen 2005: 8).

Apart from this general debate, one might say that climate governance through the CDM is politically biased. The majority of the projects in the CDM pipeline fall into

just four sectors: renewable energy, methane reductions/waste management, landfill gas and biomass energy (Wara 2007). The regional distribution of CDM projects is also rather uneven with three countries China, India and Brazil accounting for two thirds of the projects. Africa is almost bypassed in the CDM investments flows. Africa holds 1% of the confirmed and probable projects and 3% of the estimated CERs until 2012 (UNEP 2006). To some observers, geographically unbalanced climate governance can be remedied through institutional redesign (Haites and Yamin 2000), through stricter interpretation of additionality⁵ (Hamwey 1998; Tanwar 2007) or through different kinds of locally sensitive projects that connect to rural development strategies (Boyd et al. 2007). To other observers, redesign, stricter rules or new projects will not work as the CDM is fundamentally flawed. CDM is, in this perspective, a kind of new ‘carbon colonialism’ that only serve to legitimize rich countries over-consumptions of the world’s resources (Bachram 2004).

Beyond debates regarding the functioning of the CDM, the mechanism is interesting because it exemplifies a broader contemporary turn in environmental policy-making towards market liberalism, flexibility and pluralism. The governance of the CDM involves agency beyond the state at different political levels and across various jurisdictions. Responsibilities diverge in every step of the CDM project cycle; from project identification and design to validation, registration, monitoring and over to verification and certification, and, finally, to the issuance of CERs. The supreme authority over the CDM is shared among governments in the CDM Executive Board (EB) and difficult issues are negotiated and resolved under the climate convention. The EB is responsible for approval and registration of CDM projects, the issuance of CERs, and the accreditation of the so-called Designated Operational Entities (DOE), which are independent 3rd party private actors involved in the validation and verification of CDM projects. At the national level, the Designated National Authority is an entity governments are required to set up to approve potential CDM projects. Annex B governments are also involved in the CDM project cycle as investors and project initiators and host-country governments may also develop CDM projects on a unilateral basis. The private sector involves different types of actors such as CDM project proponents, consultants (that identify and design CDM projects, take care of documentation in relation to baseline and monitoring methodologies), carbon brokers (involved in the sale of CERs), carbon investments funds (bridge between sellers and buyers of CERs), and, importantly, DOEs. Multilateral organizations (such as the World Bank, UNIDO, UNDP, UNEP) appear frequently in CDM governance in various roles (e.g. providing technical advisory, capacity assistance, research/scientific advice and project finance). International organizations also set up carbon investment funds and purchase CERs on behalf of governments and corporations.

The future development of the CDM beyond Kyoto remains open, but the major effort in 2006 to provide the EB with enough financial resources should increase its public trust. In addition, before 2006, the CDM did not reject a single project, whereas already 14 projects have been sent back for revision since.

⁵ “Additionality” means whether or not a project’s emissions reductions are in addition to a business as usual scenario. If the project and the ensuing emission reductions would have happened anyway, they cannot be claimed and sold on the carbon market.

WSSD PARTNERSHIPS

A second major policy initiative, again adopted by the international community, but effectively privatizing parts of the policy responses to climate change, are the so-called type-2 partnerships that have emerged from the 2002 World Summit on Sustainable Development in Johannesburg. These initiatives typically bring together actors from various sectors—governments, industry, activists, scientists or international organizations—and build on a voluntary agreement to achieve a specific sustainability goal. They are defined as “specific commitments by various partners intended to contribute to and reinforce the implementation of the outcomes of intergovernmental negotiations of the WSSD (Programme of Action and the Political Declaration) and to help the further implementation of Agenda 21 and the Millennium Development Goals (MDGs)” (Kara and Quarless 2002). The United Nations invited such partnerships to register with the secretariat of the Commission for Sustainable Development (CSD), a sub-committee of the UN Economic and Social Council. By March 2007, 323 multi-stakeholder initiatives have been listed in the CSD Partnerships Database⁶.

Out of the 323 partnerships formally registered, 96 are within the primary categories of “energy for sustainable development”, “air pollution/atmosphere” and “climate change”.⁷ What is missing so far is a broad and encompassing assessment of the policy effectiveness of these novel mechanisms of governance with regard to the objectives of climate change mitigation and adaptation as defined in UNFCCC article 2 and other international documents.

For the purpose of this paper, we focus on some less ambitious and more descriptive questions in regards to the 27 partnerships that focus on climate change as their primary thematic area. First, what is the geographical scope of climate change partnerships? Second, what is the average duration of partnerships in this issue area? And third, is the climate change area dominated by one specific type of partner? To answer these questions, we draw on data collected for the Sustainable Development Partnership Database (Biermann et al. 2007).

With regard to the geographical scope of WSSD partnerships in the thematic area of climate change, the lack of local and national scope is noteworthy. As one might expect given the global nature of the climate problem, globally geared partnerships are very frequent, performing above average compared to the total partnership sample (63% - 50.8%). However, given the high importance of adaptation within the climate change issue area and the immediate relevance of sustainability at the local level, the total absence of local partnerships from the climate sample is surprising. In fact, it underlines the frequently raised criticism that WSSD partnership reflect given interest-structures and therefore seldom deliver additional benefits that have not already been realized in more traditional multilateral or bilateral implementation programs.

⁶ <http://webapps01.un.org/dsd/partnerships/public/welcome.do> Last Access: 05/10/2006.

⁷ Note that these categories are based on the self-description of partnerships in the CSD partnership database.

Table 2: Geographical scope of WSSD partnership

| | All WSSD % | Climate change % |
|---------------|---------------|---------------------|
| Global | 50.8 | 63.0 |
| Local | 0.9 | 0.0 |
| National | 4.7 | 3.7 |
| Regional | 19.6 | 14.8 |
| Subregional | 24.0 | 18.5 |

A second interesting observation relates to the average duration of WSSD climate change partnerships. Given the long-term effects of climate change and the given inertia of the climate system, it seems at least plausible to assume that partnerships in the area of climate change will be either frequently open-ended or long-term. In fact, our assessment of the available data shows that 37 percent of all climate change partnerships are open-ended, compared to 28,3 percent in the total sample. In addition, the average duration compares 6.1 to 4.9 years in favour of climate partnerships. We can tentatively conclude that climate change partnerships within the context of WSSD reflect the specific long-term nature of the climate problem in their duration. However, it is unclear whether the observed duration pattern is adequate in achieving the partnership goals and thereby contributing to, at least partially, solving the climate change problem.

Turning to the question of leadership within our climate change sample, three observations are noteworthy.⁸ First, leadership by UN agencies is less frequent in the climate change sample than in the total (12.1 percent – 16.7 percent), while state leadership is above average by 33.3 to 24.4 percent. This finding is consistent with the argument that the politically sensitive area of climate change is less likely to be governed by international agencies but is expected to remain under the control of governments. As a second observation, business actors are slightly over-represented in the climate change sample (6.1 percent – 2.6 percent), but are still less frequently found in leadership roles than standard arguments about business interests in climate change might suggest. One explanation could be that the advantages of participation in partnerships as a lead-partner do not outweigh the costs and therefore business actors remain either absent or participate in less prominent roles. However, as the participation rate for business is higher than in the total sample, a business case for climate change might well exist. This observation is in line with the growing relevance of specific business interests in climate change, such as insurance, investors and consultancy firms. Finally, research institutions are underrepresented in climate change partnerships (3 percent – 11.8 percent), which is surprising in so far as science plays a major role in defining the problem of climate change as well as in finding solutions.

In sum, our preliminary assessment of climate change partnerships within the sample of WSSD partnerships has pointed to a number of open questions, in particular with regard to the effectiveness of public-private approaches. For example: Does the

⁸ Leadership refers to the question of who is formally (by registration with the CSD database) a lead-partner within a partnership. Note that multiple lead-partners per partnership are possible.

average duration of climate change partnerships adequately reflect the nature of the climate system? Is effective implementation of climate-related activities possible without a major contribution by business actors (both in terms of making an actual impact and in terms of providing additional financial resources)? Or, how can we explain the lack of local-level partnerships in an issue area where, at least rhetorically, high emphasis is placed on delivering sustainable development to local communities?

3.2 Private Approaches towards global climate governance

Beyond current developments that aim at integrating a larger number of stakeholders into the process of policy implementation for reasons of perceived efficiency and legitimacy gains, an increasing amount of climate change policies are devised, enacted and monitored by non-state actors such as corporations, non-governmental organizations or individuals. The following section discusses three approaches that fall within the transnational global climate governance arena: corporate social responsibility initiatives, carbon neutrality, and personal carbon allowances.

CORPORATE SOCIAL RESPONSIBILITY

In addition to public-private mechanisms that are still embedded within the larger multilateral arena, at least partially, there are a number of policies that are beyond the state in more concrete sense, as they do not predominantly emanate from or address public actors. Instead, they target transnational corporations and their global value- and supply-chains. Consequently, the majority of these approaches are discussed under the heading of corporate social responsibility (CSR), understood as “a concept whereby companies integrate social and environmental concerns in their business operations and in their interactions with their stakeholders on a voluntary basis” (Commission of the European Communities 2001: 6).

We can distinguish between at least three different climate-related trends within CSR. First, voluntary emissions reduction and emissions trading programs at the firm- and industry-level. Second, the creation of markets, e.g. through the establishment of a voluntary but legally binding climate exchange. And third, civil society driven campaigns and the resulting institutional settings, for example the carbon disclosure and the climate risk discourses.⁹

One remarkable trend is the emergence and consolidation of different voluntary CO₂ emissions reduction programs put forward by individual companies. For example, more than 100 US corporations, among them leading companies such as Procter&Gamble, Coca-Cola, DuPont and Alcoa, have set or already achieved voluntary targets (Vogel 2005). Next to these firm-based initiatives, there are a number of collective arrangements that incorporate a number of companies. Among others, Environmental Defense and WWF have both teamed up with corporations to set up voluntary targets

⁹ Note that increasingly foundations (mostly from the US) acquire agency beyond the state. See, for example, the China Sustainable Energy Program, funded by The David and Lucile Packard Foundation, The William and Flora Hewlett Foundation and The Energy Foundation. Cf., <http://www.efchina.org/FPubInfo.do?act=list&abb=AboutUs&sabb=5>. Foundations also take a leading role in the carbon disclosure project.

for emissions reduction that are independently monitored. In addition, a number of individual companies have adopted and experimented with internal trading systems. The logic behind these actions seems quite obvious. First and foremost, companies prepare for a political change in the US that could lead to a more positive stance on binding reductions. Second, companies have, although to different degrees, experienced considerable monetary implications of voluntary reduction programs. Vogel (2005: 130) reports that Alcoa alone has incurred costs of about \$100 Million annually through reduced energy use and related environmental performance improvements.

Furthermore, private actors in cooperation with municipalities, public universities and states have developed the first US-based voluntary, but legally binding emissions trading scheme, the Chicago Climate Exchange (CCX). Participating members have agreed to reduce their global greenhouse gas emissions 4 percent (1 percent per year) below an annual baseline emission average of the years 1998-2001. In the second commitment period from 2007 until 2010, reductions will be 6 percent. Members trade so-called carbon financial instruments (equal to 100 tons of carbon dioxide) that have been allocated according to their current emissions and the baseline scenario. Participants that exceed their emissions allowance can buy carbon financial instruments from those participants that are in excess of reductions. The program-wide emissions baseline has dropped from 250,761, 100 metric tons of CO₂ in 2004 to 226,510,000 in 2005. However, a number of criticisms have been raised against the CCX. First, the annual emission reduction of one percent is not very ambitious. Many companies are expected to reach this reduction with just some cosmetic changes to their operations. A second criticism is related to the market-nature of a carbon-trading program. The financial incentive to avoid an excess of the individual carbon allowance will increase with the market price for carbon financial instruments. With a market price of around \$3.30 in January 2007, the economic steering effect of the CCX is rather limited.

Despite these shortcomings, carbon trading is getting more institutionalized globally. Next to the EU emissions trading scheme, CCX has opened a European branch. In addition, recent attempts by the International Emissions Trading Association to standardize the verification of carbon reduction units (IETA 2006) underlines the growing importance of private market-building approaches.

Next to firm- or industry-level emissions reduction schemes and market-building approaches, a number of institutions have emerged that only indirectly aim at greenhouse gas emission reductions, focusing on creating the necessary information and transparency for societal actors, including other businesses, to assess corporate responses to climate change. Consequently, these benchmarking processes create a global competition among business actors to address climate change as a serious limitation to their profit-making activities. These emerging information-based governance schemes effectively institutionalize new norms at the transnational level, for example the norm to disclose corporate carbon emissions (in addition to the country-based reporting of the UNFCCC). We discuss the Carbon Disclosure Project and the Investor Network on Climate Risk as illustrative examples.

The Carbon Disclosure Project (CDP) provides an institutional setting for the world's largest collaboration of institutional investors on the business implications of climate change. CDP represents an efficient process whereby many institutional investors collectively sign a single global request for disclosure of information on greenhouse gas emissions. In 2007, 225 investment firms, representing over 31 trillion \$US, are

CDP supporters.¹⁰ In 2006, CDP has asked the FT500 (the 500 largest firms by market capitalization) the fourth time in a row to disclose their carbon emissions and emissions reduction approaches along with information about climate change related management strategies and participation in emissions trading (CDP 2006). After 47, 59, 71 percent in the three preceding surveys, 72 percent have responded to CDP 4 in 2006. Interestingly, sectors that have a high impact on carbon emission, such as the electric utility sector, have performed above average in the FT 500 index as a whole, while unsurprisingly, US companies are lagging behind European companies (60 percent compared to 82 percent). In addition to the regular survey, more than 1,000 large corporations report on their emissions through the CDP's website. Although it is too early to assess the effectiveness of the CDP and the wider carbon disclosure discourse, arguably institutional investors have acquired agency beyond the state in global climate governance by, at least partially, institutionalizing the norm of corporate disclosure of carbon emissions and carbon reductions.

Next to the institutionalization of carbon disclosure by major companies, the business community is also pressured to react to climate change by taking precautionary and adaptive measures to climate-related risks. In 2003, the non-profit organization Coalition for Environmentally Responsible Economies (CERES), an institutionalized cooperation of leading US environmental organizations, social responsible investors and companies, has initiated the Investor Network on Climate Risk (INCR). This network brings together more than 50 investors managing nearly \$4 trillion of assets. Members include asset managers, state and city treasurers and comptrollers, public and labour pension funds, foundations, and other institutional investors. In its own words, INCR "leverages the collective power of these investors to promote improved disclosure and corporate governance practices on the business risks and opportunities posed by climate change" (CERES 2007).

In an attempt to standardize business responses to increased disclosure demands, INCR and CERES (2006) have proposed a global framework for climate risk disclosure that calls on corporations to provide information about the total historical, current and projected future greenhouse gas emissions, strategic analysis of emissions management, an assessment of the physical risks of climate change and risks related to the regulation of greenhouse gas emissions. What the example of climate risk disclosure shows clearly is the increasing multiplicity of actors that possess agency within the climate governance arena. Challenging many of our assumptions about the principal actors in climate politics, the corporate world is by no means a monolithic bloc, but rather divided along multiple lines, one being the distinction between productive industries and investment interests.

In addition to the complexity of agency, the architecture of global climate governance is highly fragmented. Within the private realm of climate governance, a number of approaches exist that have no link to the international arena and therefore can hardly be integrated in or at least synchronized with the ongoing post-2012 negotiations. However, a number of interlinkages are also visible. Being the most obvious case,

¹⁰ CDP was launched on 4th December 2000 in London. The first cycle of the project (CDP 1) involved sending a letter and questionnaire to the FT500 largest companies in the world. This letter was signed by 35 institutional investors who collaborated to provide an efficient mechanism for disclosure of this information.

companies have related their firm- or industry-level emissions reduction programs to the international targets and timetables approach of the Kyoto Protocol. Less obvious, but no less important, the business-NGO partnership The Climate, Community & Biodiversity Alliance (CCBA) has recently announced the first two forestry projects to be independently certified under its Climate, Community & Biodiversity (CCB) Standards.¹¹ The standard evaluates land-based carbon mitigation projects in forestry and thereby relates to the so-called land use, land-use change and forestry section of the Kyoto Protocol.¹² On this account, private standardization attempts to fill critical gaps in the operationalization and implementation of international agreements.

In sum, the current developments in CSR clearly underscore the relevance of a broadened analytical perspective on global climate change. With an increasing number of non-state actors acquiring agency beyond the state and the deepening institutionalization of non-state approaches towards climate change such as market- and information-based mechanisms), a strictly inter-national and state-centered perspective seems no longer viable. Instead, focusing on the transnational global climate governance arena shows the importance of CSR for effective climate politics.

CARBON NEUTRALITY

In 2006, Oxford university press announced “carbon neutrality” to be the word of the year. A well deserved award, as the concept had got a lot of media attention when, for example, Coldplay in 2002 announced that they would plant 10000 mango trees in southern India to offset the environmental impacts of their second album. The Rolling Stones claimed their tour in 2003 to be carbon neutral and in 2004, one of the worlds largest banks, HSBC, became the first carbon neutral bank. Even the last FIFA World Cup was announced as a carbon neutral event. ‘Carbon Neutrality’ refers to companies and individuals who ‘offset’ their carbon emissions by buying carbon credits that equal out their contribution to climate change. It is important to note that carbon offsetting can be carried out in two different ways that follow slightly different logics. One way is to buy emissions rights in a cap-and-trade market (such as the EU/ETS) that, in theory, raise the price and hence reduce the demand for carbon. Whether the price actually rises depends on whether the buyer is in a position to influence the market. The other way follows the logic of the CDM and JI where carbon credits are generated through a certain project. The project could either remove emissions from the atmosphere (such as tree planting projects) or reduce emissions indirectly (for example through fuel switching) when compared to a business as usual projection.

The last years have seen an explosion in carbon offset retailers that made a publication like “A Consumers Guide to Retail Carbon-Offset Providers” (2006) necessary. On the demand side, every week we can witness new entities (for example governments, travel magazines, airline companies, university departments) announcing their engagement in the voluntary market. Usually, the demand is to offset a certain activity but the trend is also spreading to products and services. In media, comments about this

¹¹ See www.climate-standards.org.

¹² Under Article 3.3 of the Kyoto Protocol, Parties decided that greenhouse gas removals and emissions through certain activities — namely, *afforestation* and *reforestation* since 1990 — are accounted for in meeting the Kyoto Protocol’s emission targets.

development range from “The Good, The Bad, The Ugly” (Brainard 2007). It is common to point at carbon offsetting as a modern form of selling indulgences that do not induce changes in lifestyles (Monbiot 2006; Revkin 2007). Debates have also drawn attention to the dubious quality of the offered offsets and to the lack of common standards (Robbins 2006; Harvey 2007). Within a critical international political economy perspective, Larry Lohmann (2006) offers a comprehensive account of carbon offsetting as a new arena of conflict and contestation. In the same vein, the report “The Carbon Neutral Myth: Offset Indulgences for your Climate Sins” by Carbon Trade Watch (Smith 2007) includes case studies of the Carbon Neutral Company (formerly known as Future Forests) and of a few different offsetting projects. It also adds an analysis of how celebrity endorsements have helped to legitimize such projects.

No doubt, the recent emergence of a voluntary carbon market with potential to “offset” emissions is a very interesting development but research has, so far, been lagging behind. Usually, all focus has been on the major category of the carbon market; the ‘compliance’ or ‘regulatory’ market where the demand is generated by legally mandated reductions. This part of the carbon market includes the Kyoto markets (ET, JI and CDM), the EU Emissions Trading Scheme), the US Regional Greenhouse Gas Initiative and the Australian New South Wales Greenhouse Gas Abatement Scheme. It might therefore be indicative that at the last “Point Carbon Market Insight” conference in Copenhagen, in March 2007, the voluntary carbon market was for the first time included in the conference agenda with a well-attended roundtable on “Voluntary Carbon Offsets”.

As the voluntary carbon market is in an early stage of development, it is difficult to estimate its current size. Point Carbon has so far excluded the voluntary sector in their yearly overviews (Point Carbon 2007), while the annual IETA (International Emissions Trading Association) and World Bank study “State and Trends of the Carbon Market” (Caapoor and Ambrosi 2006) estimate the voluntary market for reductions by corporations and individuals to US\$100 million. Recently, the consultants and environmental market analysts, Ecosystem Marketplace, estimated that in 2006 23.7 million tons of carbon dioxide equivalents (CO₂e) were transacted in voluntary carbon markets with an average price of US\$4.1 per ton per CO₂e (Hamilton et al. 2007). It is difficult to make a good estimation since there are no comprehensive registries of the transactions made. Hence, estimations of future trends are more uncertain, but one might still want to note that the U.S. analyst Trexler imagines the U.S. market to double every year from, perhaps, 20MtCO₂ in 2006 to 250 MtCO₂ by 2011 (Trexler 2007).

While carbon credits produced by CDM/JI under the Kyoto Protocol are inter-governmentally regulated and supervised, and therefore include third party verification and transparency in a structured process, the voluntary carbon market is not regulated, emission reductions are not necessarily ‘certified’, the actors are not ‘accredited’, and there are many different verification standards competing for attention.¹³ Many individuals and institutional actors in the carbon market are currently working on developing the “Voluntary Carbon Standard” (VCS), which aims to set a basic quality threshold. The VCS is backed by The Climate Group, the International Emissions Trading Association (IETA) and the World Economic Forum Global Greenhouse Register

¹³ Appendix 3 in Bayon et al. (2007) offers a recent overview of the various standards.

and might therefore hold the potential for success. Capoor and Ambrosini (2007: 37) refer to the voluntary carbon market as a wide-open space in urgent need for standards, but it remains to be seen how those standards both draw on existing CDM practices, but also accommodate the specific characteristics of the voluntary carbon market.

From our perspective, the voluntary carbon market is a site of climate governance beyond the state. The current search for common standards, registries and reporting procedures indicates a trend toward the institutionalization of climate governance. The emerging norm of 'carbon neutrality' is currently expressed and contested on the carbon market, but also among the media, NGOs and local communities. Hence, carbon neutrality and the ensuing practices of carbon offsetting can be viewed as a policy instrument not just 'beyond the state', but within a transnational public sphere with the potential to mitigate climate change largely independent of state action.

4 Conclusion

In this paper we have argued for a fresh perspective on current global climate governance. In particular, we believe a new conceptualization of global climate governance is essential in order to understand the recent fragmentation of climate politics. Our notion of a transnational arena of global climate governance offers such a concept and opens up space for remapping key sites of public and private authority over the climate issue. Following a vibrant debate about the inadequacy of the public/private dichotomy in Political Theory and the recent trend towards a multi-actor and multi-level perspective in the discipline of IR, we suggest to position the emergent arena of transnational global climate governance within a larger shift towards a global public domain.

In short, our paper reflects two major purposes: first, to develop a better conceptual vantage point to analyze the potential problem-solving contributions of different non-state actors and institutions (including a critical perspective on the normative implications of such a development). In light of this growing complexity of global climate policy, we believe that an expansion of our analytical toolkit is both necessary and rewarding. We argue that next to the international arena of global climate governance consisting of states and public agencies, there is an increasingly institutionalized arena of transnational global climate governance. What is missing to date is a detailed assessment of agency beyond the state in regards to the institutional arrangements different actors create and sustain in order to address the problem of climate change and the resulting overarching architecture of climate governance. Consequently, as our second purpose, we attempt to provide an up-to-date empirical account of the burgeoning field of transnational climate governance and a critical assessment of its problem-solving capacity.

With regard to the former objective, we have provided a broader perspective on global climate governance that takes into account the large arena of public-private and private actors and institutions active in the field today. With regard to the latter, we have provided a detailed overview of central empirical developments in the field, with a focus on those that are still linked to the international arena (e.g. the partnerships that have emerged from the 2002 Johannesburg Summit) and those that operate in greater distance from the established field of international politics, such as the discourse of personal carbon allowances.

In sum, our empirical analysis has highlighted some important aspects: first, transnational approaches towards global climate change governance might increase the transparency of the system, for example through initiatives like the Carbon Disclosure Project. Second, transnational approaches provide a clear signal to the political system of national governments and international organizations that climate change features high on the global agenda. Third, public-private partnerships, such as the WSSD partnerships and the CDM, have displayed rather mixed results. And finally, Carbon Neutrality emerges as novel discourse in global climate governance that potentially shifts the agency from public actors such as states to individuals.

Concluding from our empirical analysis, we want to bring forward some preliminary critical observations. First, the frequent interlinkages within the transnational arena (e.g. between CSR initiatives and carbon neutrality) and beyond (e.g. the link between carbon neutrality and the carbon market) make the overall system more complex. This offers more possibilities for issues-linkages and strategic bargains among actors (both governments and non-state actors), but at the same time increases the need for coordination among a growing number of agents in global climate governance. Who could take over this coordination function is not clear yet. As a result, we need to further our knowledge about the systemic interaction between the international and transnational global climate arena and the possibility for effective and equitable governance, taking into account a growing number of agents in a multiplicity of institutional contexts. Second, as there is currently neither an overall account of the mitigation commitments brought forward by a host of private actors, nor a trustworthy verification system for those commitments, the effectiveness of transnational climate mitigation instruments remains to be assessed. However, we believe that our re-mapping exercise presented in this paper can be a useful starting point for future research on the role and relevance of transnational approaches to the global climate crisis.

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